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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3638 OF 2007

Rajesh J. Naik .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.S.K. Shinde i/b Sagar Kasar for the petitioner.

Mr.K.V. Saste APP for the State.

CORAM : D.G.KARNIK, J

DATED : 14th December 2007

P.C.:

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail under section 439 of the Code of Criminal Procedure in respect of offences registered against him under C.R.No. I-98 of 2007 punishable under section 467, 468, 471, 420 and 408 of the IPC. Learned APP submitted that the

petitioner has committed the offence of cheating and other offences and the amount involved is huge i.e. of Rs.18 lakhs approximately. Out of the sum of Rs.18 lakhs sum of Rs.9 lakhs has been recovered. As the balance amount is yet to be recovered bail should not be granted. Counsel for the petitioner pleads innocence of the petitioner and submits that he is unable to deposit any further money as he has none.

3. The charge-sheet has been filed in the court of Judicial Magistrate, 14th court, Thane. I am also informed at the bar that criminal cases filed between the years 1995 to 2001 are being presently heard and the present case which is of the year 2007 is not likely to be heard for several more years. Petitioner is in jail since 20th May 2007 i.e. for a period of nearly 7 months. Since the charge-sheet has been filed, there is no possibility of petitioner tampering with the evidence. The petitioner is also not likely to run away and he has a permanent place of residence at the address mentioned in the title of the petition. This is not disputed by A.P.P.

4. Taking into consideration the fact that the charge-sheet has been filed and offence is not punishable for death or Imprisonment for life and also taking into consideration the fact that the

petitioner is in jail for nearly 7 months and the trial is not likely to commence for several more years, the petitioner can be granted conditional bail. Accordingly, I pass the following order :-

O R D E R

1. The petitioner be released on bail on personal bond of Rs.50,000/- with two sureties of the like amount subject to the following conditions:-

i) The petitioner shall not make any inducement nor any threat to any of the prosecution witnesses nor any manner tamper with the evidence.

ii) The petitioner shall attend the police station once every month between 1st and 5th of British Calendar month

. In the event of breach of the aforesaid conditions, bail shall be liable to be cancelled.

. Application is disposed of.

(D.G. KARNIK, J)